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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 \$17,703.00, MORE OR LESS, IN
15 UNITED STATES CURRENCY, and all
16 proceeds therefrom; and,
17 \$10,600.00, MORE OR LESS, IN
18 UNITED STATES CURRENCY, and all
19 proceeds therefrom.

20 Defendants.

21 NO.

22 VERIFIED COMPLAINT FOR
23 FORFEITURE IN REM

24 COMES NOW the United States of America, by and through Jenny A. Durkan,
25 United States Attorney for the Western District of Washington, and Francis Franze-
26 Nakamura, Assistant United States Attorney for said District, and alleges:

27 **I. NATURE OF THE ACTION**

28 1. This is a complaint for seizure and forfeiture of: (1) \$17,703.00, more or
less, in United States currency, seized on October 14, 2010, from the residence at
XXXXXXXXXXXXXX, North Hollywood, California 91605, and all proceeds
therefrom; and (2) \$10,600.00, more or less, in United States currency, seized on October
14, 2010, from the apartment residence at XXXXXXXXXXXXXXXXXX, Los

1 Angeles, California 90038, and all proceeds therefrom (collectively "the Defendant
2 Currency").

3

4 **JURISDICTION AND VENUE**

5 2. This Court has jurisdiction over this action pursuant to Title 28, United
6 States Code, Section 1345, and Title 21, United States Code, Section 1355.

7 3. This Court has venue pursuant to Title 28, United States Code, Section
8 1395, Title, 28, United States Code Section 881(j), and Title 18, United States Code,
9 Section 2254.

10 4. The Defendant Currency is now and during the pendency of this action will
11 be within the jurisdiction of this Court.

12

13 **LEGAL BASIS FOR FORFEITURE**

14 5. The Defendant Currency constitutes personal property derived from
15 proceeds traceable to the crimes of Bank Fraud and Conspiracy to Commit Bank Fraud, in
16 violation of Title 18, United States Code, Sections 1344(1) and 1349, and is therefore
17 subject to seizure by, and forfeiture to, the United States of America, pursuant to Title 18,
18 United States Code, Section 981(a)(1)(C).

19

20 **FACTUAL BASIS FOR FORFEITURE**

21 **The Bank Fraud Conspiracy**

22 6. Beginning at a time unknown, but not later than June 13, 2008, and
23 continuing through at least October 14, 2010, Khachatur Dishchyan, Akop Gyulasaryan,
24 Sarkis Dishchyan, Melinda Kay Johnson, Grayr Pogosovich Yerikyan, Akop Daniyelyan,
25 Andranik Gyulasaryan, Gevorg Martirosyan, Vitali Hovhannisyan, Artur Arakelyan,
26 Sarkis Yesayan, Ashot Khachatryan, Yerem Korkotyan, Susan Vardanyan, and others
27 knowingly executed, or attempted to execute, a scheme or artifice to defraud a financial
28 institution, or to obtain moneys or funds owned by, or under the custody or control of, a

1 financial institution, by means of false or fraudulent pretenses, representations, or
 2 promises, in violation of Title 18, United States Code, Section 1344(1).

3 7. On November 16, 2010, a Superseding Indictment was returned in the
 4 criminal case, United States v. Vitali Hovhannisyan, et al., WDMA, No. CR10-0311,
 5 charging Khachatur Dishchyan, Akop Gyulasaryan, Sarkis Dishchyan, Melinda Kay
 6 Johnson, Grayr Pogosovich Yerikyan, Akop Danielyan, Andranik Gyulasaryan, Gevorg
 7 Martirosyan, Vitali Hovhannisyan, Artur Arakelyan, Sarkis Yesayan, Ashot Khachatryan,
 8 Yerem Korkotyan, and Susan Vardanyan (collectively “Defendants”) with Conspiracy to
 9 Commit Bank Fraud, Bank Fraud, and Conspiracy to Commit Unlawful Production of
 10 Identification Documents.

11 8. Facts describing the Defendants’ violations of Title 18, United States Code,
 12 Sections 1344(1) and 1349, along with facts supporting the forfeiture of the defendant
 13 currency, are set forth in the Superseding Indictment, attached as Exhibit A, and are
 14 incorporated as if fully set forth herein.

15 9. As part of their conspiracy, the Defendants would (1) open business bank
 16 accounts at Bank of America, (2) inflate the balances of those accounts by depositing
 17 fraudulent and worthless checks into them, (3) transfer funds and withdraw money from
 18 those accounts before the fraudulent and worthless checks could be cleared, and (4) use
 19 the transferred funds and money to purchase goods, including tens of thousands of dollars
 20 worth of cigarettes which they would then liquidate. The Defendants caused Bank of
 21 America to incur over \$1,000,000.00 in losses.

Purchases of Cigarettes on September 22, 2010, and on October 5, 2010

22 10. As explained in the Superseding Indictment, the Defendants would use
 23 bank fraud proceeds to purchase large amounts of cigarettes. The Defendants would then
 24 liquidate the cigarettes.

25 11. Shortly before the seizure of the Defendant Currency, several Defendants
 26 were involved in large purchases of cigarettes. First, on September 22, 2010, Akop
 27 Danielyan used bank fraud proceeds to purchase over \$40,000 of cigarettes at a Sam’s
 28

1 Club store in San Fernando, California, as part of an execution of the fraud scheme in
 2 which over \$190,000 of cigarettes were purchased in total. Gevorg Martirosyan also was
 3 seen on September 22, 2010, on an ATM camera, using one of the debit cards linked to
 4 the accounts used to execute the fraud scheme on that same day. Second, on October 5,
 5 2010, Akop Daniyelyan used bank fraud proceeds to purchase over \$150,000.00 of
 6 cigarettes at a Sam's Club store in San Fernando, California. Sargis Martirosyan -- an
 7 unnamed co-conspirator and the brother of Gevorg Martirosyan -- was photographed at
 8 the Sam's Club store. Akop Daniyelyan and other Defendants loaded the cigarettes into a
 9 van owned by Hakop Martirosyan. Later that same day, agents of the Secret Service
 10 observed the van parked at the North Hollywood residence where Gevorg Martirosyan
 11 and Sargis Martirosyan lived.

The Seizure of \$17,703.00 of the Defendant Currency

12 12. On October 14, 2010, \$17,703.00 of the Defendant Currency was seized
 13 pursuant to a search warrant executed by the Secret Service and the Postal Inspection
 14 Service at a residence located at XXXXXXXXXXXXXXXXX, North Hollywood, California
 15 91605. This is the same residence where the van was observed on October 5, 2010, after
 16 it had been used to transport over \$150,000 of cigarettes purchased with the proceeds of
 17 the fraud scheme.

18 13. One of the areas searched by agents was a living area located in the garage
 19 of the residence. Information provided by individuals found in the residence and personal
 20 items found in the garage living area indicate that Sargis Martirosyan and his brother
 21 Gevorg Martirosyan resided in the garage living area.

22 A. As alleged above, Sargis Martirosyan is an unnamed co-conspirator.

23 B. Gevorg Martirosyan is a named defendant in the Superseding

24 Indictment.

25 C. On January 5, 2011, Gevorg Martirosyan was interviewed by the

26 Secret Service and indicated that he had reviewed the Superseding Indictment and

27 believed the facts contained in the document were correct. Martirosyan indicated that he

1 became involved in the conspiracy because he needed money. Martirosyan admitted that
 2 one of his roles in the conspiracy was to deposit fraudulent and worthless checks into the
 3 Bank of America bank accounts to inflate their value. Martirosyan further admitted that
 4 he had assisted in opening one of the sets of accounts used on September 22, 2010, to
 5 execute the fraud scheme, resulting in over \$190,000 in losses; in particular, Martirosyan
 6 said he had flown with that individual to Boise, Idaho, assisted him in opening accounts
 7 there under the name of a bogus business, and then flown back from Boise to Los
 8 Angeles, California. Martirosyan also admitted that he had withdrawn cash from some of
 9 the bank accounts involved in the conspiracy.

10 14. When agents searched the garage living area, they discovered Sargis
 11 Martirosyan hiding in the dark, under a desk. Agents found \$17,000 of the Defendant
 12 Currency in the desk under which Sargis Martirosyan was hiding. The currency was
 13 hidden in a space behind the desk's drawers, a location best accessed by crawling
 14 underneath the desk to the position where Sargis Martirosyan was hiding.

15 15. In addition, agents found \$703.00 of the Defendant Currency in a pair of
 16 pants identified by Sargis Martirosyan as belonging to him.

17 16. Sargis Martirosyan told agents that he lived in the garage together with his
 18 brother Gevorg Martirosyan and denied knowledge of the \$17,000.

19 17. In addition, Sargis Martirosyan stated that he was not employed and was
 20 unable to work due to a back injury.

21 18. During his post-arrest interview on January 5, 2011, Gevorg Martirosyan
 22 stated that he had turned to crime because he needed the money, and had no other options
 23 for legitimate income, because he no longer had legal status to remain in the country.

The Seizure of \$10,600.00 of the Defendant Currency

25 19. Akop Danielyan is a named defendant in the Superseding Indictment. As
 26 explained in the Superseding Indictment, one of Danielyan's roles in the fraud
 27 conspiracy was using the proceeds of the bank fraud to buy cigarettes.

28 20. Danielyan's California driver's license indicates that he resides at an

1 apartment located at XXXXXXXXXXXXXXXXXXXXXXX, Los Angeles, California 90038.

2 21. On October 14, 2010, \$10,600.00 of the Defendant Currency was seized
3 pursuant to a search warrant executed by the Secret Service at Daniyelyan's apartment.
4 The money was found in a sport coat located in the closet of a bedroom occupied by
5 Daniyelyan. The left outside waist pocket of the coat contained one hundred, \$100 bills
6 of the Defendant Currency. The right outside waist pocket of the coat contained six \$100
7 bills of the Defendant Currency.

8 22. Daniyelyan was arrested on October 14, 2010. When being processed for
9 booking, Daniyelyan told agents that he was unemployed.

10

11 **V. CONCLUSION**

12 23. By reason of the foregoing, there is probable cause to believe that the
13 Defendant Currency constitutes personal property derived from proceeds traceable to a
14 violation of Title 18, United States Code, Section 1344, Bank Fraud. As such, pursuant to
15 Title 18, United States Code, Section 981(a)(1)(C), the defendant currency is subject to
16 forfeiture to the United States of America.

17 *****

18 WHEREFORE, Plaintiff prays that due process is issued to enforce the forfeiture
19 of the defendant currency, that due notice be given to all interested persons to appear and
20 show cause why forfeiture of the defendant currency should not be decreed, that the
21 defendant currency be condemned as forfeited to the United States to be disposed of
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1 according to law, and for such other and further relief as this Honorable Court may deem
2 just and proper.

3 DATED this 8th day of April, 2011.

4 Respectfully submitted,

5 JENNY A. DURKAN
6 United States Attorney

7 *s/ Francis Franze-Nakamura*
8 FRANCIS FRANZE-NAKAMURA
9 Assistant United States Attorney
10 700 Stewart Street, Suite 5220
11 Seattle, WA 98101
12 Telephone: (206) 553-2242
13 Fax: (206) 553-6934
14 Francis.Franze-Nakamura@usdoj.gov

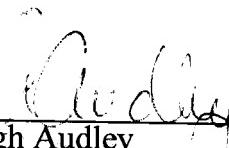
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2 **VERIFICATION OF COMPLAINT**
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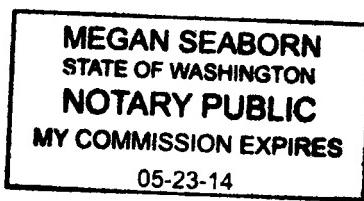
5 STATE OF WASHINGTON }
6 COUNTY OF KING }
7 ss

8 I, Ashleigh Audley, declare under penalty of perjury that the following is true and
9 correct to the best of my knowledge:

10 I am a Special Agent with the United States Secret Service, and am assigned to this
11 case. I have read the attached Complaint and know the contents thereof; I have furnished
12 the information contained in the Complaint based upon my own investigation and that of
13 other reliable official Government sources; and, based on information and belief, the
14 allegations contained in the Complaint are true.

15
16
17 
18 Ashleigh Audley
19 Special Agent
20 United States Secret Service

21 SUBSCRIBED and SWORN to before me this 8th day of April, 2011, by Ashleigh
22 Audley.



Print: Megan Seaborn
Notary Public in and for the
State of Washington, residing
at Seattle, WA
Expires: 05/23/14